

IOWA BOARD OF EDUCATIONAL EXAMINERS

IN THE MATTER OF:

Chris Eckrich,

Respondent.

Case No. 15-23

License No. 812482

**Order Regarding Proposed
Decision**

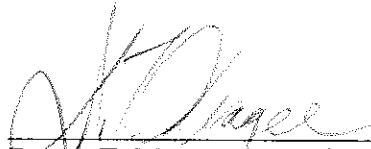
This matter came before the Board of Educational Examiners upon Complaint. An investigation was conducted and the Board found probable cause to move the case forward to hearing. A hearing took place before Administrative Law Judge Margaret LaMarche on February 18, 2016. Judge LaMarche issued a proposed decision on March 11, 2016. The proposed decision was served upon the Respondent and the Board.

At its regular meeting on April 8, 2016, the Board voted to accept the proposed decision without modification. The Respondent did not file an appeal within the time allowed by 282 Iowa Administrative Code r. 11.28.

ORDER

THEREFORE, the Board accepts the Proposed Decision in the matter as the Board's final ruling.

Dated this 11th day of April, 2016.



Duane T. Magee, Executive Director
On behalf of the Board

Copies to:

Chris J. Eckrich (first-class mail and restricted certified mail)
RESPONDENT

Christy A. A. Hickman
ATTORNEY FOR RESPONDENT

Renner K. Walker
ATTORNEY FOR STATE

MAR 14 2016

IN THE MATTER OF:)	CASE NO. 15-23
)	DIA NO. 15BEE025
CHRIS J. ECKRICH,)	
)	PROPOSED DECISION
Respondent)	

STATEMENT OF THE CASE

On September 29, 2015, the Iowa Board of Educational Examiners (Board) found probable cause to file a Notice of Hearing and Statement of Charges that charged Respondent Chris J. Eckrich (Respondent) with the following three counts:

Count I: Conviction of a criminal offense related to or affecting teaching performance, in violation of 282 Iowa Administrative Code (IAC) 25.3(1)"b"(2);

Count II: Unethical practice by failing to make reasonable effort to protect the health and safety of the student or creating conditions harmful to student learning, in violation of 282 IAC 25.3(6)"c"; and

Count III: Failure to comply with federal, state, and local laws applicable to the fulfillment of professional obligations, in violation of 282 IAC 25.3(6)"m."

The hearing was held before the undersigned administrative law judge on February 18, 2016 at 9:00 a.m. Assistant Attorney General Renner Walker represented the state. Respondent Chris Eckrich was represented by attorney Christy A.A. Hickman.

THE RECORD

The record includes the testimony of Adam Triggs, Mark Weis, Suzy Card, Dusti Sanchez, and Chris Eckrich; State Exhibits 1-25 (See Exhibit Index for description) and Respondent Exhibits 1-9. A protective order was issued for Respondent Exhibits 1-9, pursuant to Iowa Code section 22.7(2)(2015). These exhibits are confidential medical and psychiatric records.

FINDINGS OF FACT

Personal and Professional Background

Chris J. Eckrich (Respondent) grew up on a farm near Neola, Iowa. He was the youngest of six children in a close knit family. His childhood interests included farming, 4-H, baseball, and soccer. Respondent has had diabetes mellitus, type 1, since childhood. Respondent also has a medical history of hypertension and a mental health history that includes diagnoses of depression and anxiety. (Respondent, Sanchez testimony; Respondent Exhibits 2, 3)

Respondent attended college at the University of Nebraska and then taught in Nebraska for about two years before returning to Iowa. On December 19, 2005, Respondent was issued his initial Iowa teaching license (Folder #812482), with endorsements to teach 5-12 Business-General and 5-12 Business-All. Respondent has also been issued an Iowa coaching authorization. Respondent has had no prior disciplinary actions taken against his teaching license or against his coaching authorization. Respondent's Iowa teaching license is current and will expire on December 31, 2017. Respondent's coaching authorization is current and will next expire on July 7, 2017. (Respondent testimony; State Exhibits 1, 4)

Respondent's first teaching position in Iowa was a shared position with the West Marshall and Colo-Nesco Community School Districts in State Center, Iowa during the 2006-2007 school year. From 2007-2011, Respondent was employed by the Murray School District in Murray, Iowa. In 2011, Respondent moved to Des Moines when his spouse was relocated. While in Des Moines, Respondent substitute taught and coached at several Des Moines schools. Respondent then accepted a teaching position with the Glidden-Ralston Community Schools in Glidden, Iowa for the 2013-2014 school year. (State Exhibits 1, 4; Respondent testimony)

Respondent has a family history of mental health issues, but his first reported experience with depression was when he was going through a difficult divorce in 2013. While he was teaching in Glidden, Respondent sought treatment for depression from a physician in Council Bluffs, who prescribed medication for approximately one year. Respondent testified that he first experienced hallucinations while he was in Glidden. (Respondent testimony)

There is no documentation in the record from Respondent's prior treating physician in Council Bluffs, and there is no evidence in the record concerning Respondent's work performance while he was teaching in Glidden.

Respondent's Employment with the East Union School District in 2014-2015

Early in 2014, Respondent became engaged to Dusti Sanchez. Ms. Sanchez lives in Indianola, Iowa with her three children, and Respondent decided to look for a new teaching position closer to Indianola after they were engaged. On July 1, 2014, Respondent entered into an employment contract with the East Union Community School District in Afton, Iowa to teach business education classes and to serve as an assistant football coach, assistant basketball coach, and baseball coach for the 2014-2015 school year. East Union is a school district with approximately 500 students in a PK-12 building. Pam Vogel was the school district's superintendent and Mark Weis was the secondary principal during Respondent's employment at East Union.¹ (Respondent, Sanchez testimony; State Exhibit 13)

In July 2014, Respondent established his primary medical care with Dr. Robert Moran in Indianola, Iowa and underwent a work physical. Respondent reported the following active health problems to Dr. Moran at that time: depression, diabetes mellitus, esophageal reflux, hyperlipidemia, and hypertension. Respondent informed Dr. Moran that he had a history of irritability/depression in the past and that he would like to reinstitute medication for these issues. Dr. Moran and Respondent agreed that Respondent should begin taking Lexapro and return for a recheck in two months. (Respondent Exhibit 2, pp. 1-4; Respondent testimony)

On August 11, 2014, Respondent started his new teaching and coaching positions at East Union High School. All East Union teachers were assigned a mentor and a master teacher to be their "go-to" person for assistance and questions concerning their classroom responsibilities. Respondent was assigned Gail Thatcher as both his mentor and his master teacher. Ms. Thatcher was an experienced and well-respected teacher who had been teaching the Business Education classes at East Union for a number of years prior to the 2014-2015 school year. According to Principal Weis, Ms. Thatcher had everything "lined up" and ready to go for Respondent when he started teaching the business education classes. (Weis, Respondent testimony)

¹ As of the date of the hearing, Pam Vogel was no longer the East Union superintendent. (Weis testimony)

During the fall semester, Principal Weis had several conversations with Respondent about issues that had been brought to his attention concerning Respondent's work performance as a teacher.² These work issues included:

- Gail Thatcher's growing frustration with Respondent because he was not following her direction and advice and was not using the approaches that she had developed for teaching the school's business education classes;
- Respondent's absence from some of his assigned shifts as a cafeteria monitor;
- Respondent's failure to address the school's programs for anti-bullying and promoting positive behaviors (the "Pride Matrix") with the students in his homeroom; and
- Respondent's tardiness or absences reportedly due to problems he was having controlling his blood sugars.

These conversations were a source of stress for Respondent, and he apparently felt that Principal Weis was harassing him. Respondent was also struggling to adjust to East Union's grading system, which was new for him and was based on unit outcomes rather than tests. Respondent told his fiancé that he was using his lunch hour to prepare for classes rather than eating. Respondent was also having difficulty sleeping and controlling his blood sugars, and this made it increasingly difficult for him to cope with stress and everyday life. Respondent confided in at least two of his co-workers about his frustrations with his teaching position and Principal Weis. One of the co-workers that he confided in was Adam Triggs, a science teacher at East Union High School, with whom he shared cafeteria duty. (Weis, Triggs, Sanchez, and Respondent testimony)

On Tuesday, November 11, 2014, Principal Weis stepped in to supervise Adam Triggs' homeroom while Mr. Triggs went to the guidance counselor's office to assist with a student. Principal Weis asked Triggs why two students were missing from his homeroom that day, and Triggs told Weiss that the students had given him passes to go to Respondent's homeroom. When Principal Weis went to Respondent's homeroom, he found these two students playing games. Weis asked Respondent why the students were in his homeroom, and Respondent told Weis that he did not know why and the students just came in and sat down. When Principal Weis questioned the students, he was told that students in Respondent's homeroom were taking passes out of Respondent's desk. When Weis asked the students if Respondent was aware that they had the passes, the students reported that Respondent was sitting at his desk when the

² Respondent was also the assistant football coach during the fall semester. The record does not include any performance issues with respect to Respondent's performance as a football coach.

passes were taken. Principal Weis informed Respondent that he was at fault because the passes were his responsibility. (Triggs, Weis testimony)

Later on November 11th, Respondent told Adam Triggs that Principal Weis was not happy that the students had stolen his passes and that Weis had been checking on him throughout the day. Respondent told Triggs that he felt like he was being harassed and that the principal was just looking for things that he was doing wrong. Respondent also told Triggs that he had been planning to tell administration about a doctor's appointment that he had the next day, but now he would just not show up for work. (Triggs testimony)

Later that day, Respondent sent a text message to another co-worker in which he confided that he was feeling suicidal. This co-worker contacted Dusti Sanchez, and she drove from Indianola to Afton to check on Respondent. Ms. Sanchez found Respondent sitting in his chair at home and staring into space. Respondent did not acknowledge Sanchez when she came in and did not respond to her. Ms. Sanchez drove Respondent to the emergency room at Clarke County Hospital in Osceola. At the ER, Respondent's depression medications were increased, and he was advised to get a follow up appointment with his family physician within a couple of days. The emergency room physician gave Respondent a note stating that he had been seen in the emergency room and that he could return to work on November 18, 2014. (Sanchez, Respondent testimony; Respondent Exhibit 1)

Dusti Sanchez took Respondent to her home in Indianola and they made an appointment with Dr. Moran for November 13, 2014. At the time of that appointment, Dr. Moran determined that Respondent likely needed inpatient treatment, and he sent Respondent to Iowa Lutheran Hospital in Des Moines. At Iowa Lutheran, Respondent was seen by several different physicians. Respondent denied that he would act on any suicidal thoughts, and he told Dr. Moran that he felt safe at home. Although Ms. Sanchez felt that Respondent should be hospitalized, Iowa Lutheran decided to release Respondent to her. Respondent spent the rest of the week and the weekend in Indianola with Ms. Sanchez. (Sanchez, Respondent testimony; Respondent Exhibit 2, pp. 9-11)

On November 14, 2014, Dusti Sanchez sent an email to Suzy Card, who is the Iowa State Education Association (ISEA) Uniserve Director, and asked for guidance on how they should deal with Respondent's medical issues and his employment. In this initial email, Ms. Sanchez only related Respondent's diabetes issues. A few weeks later, Ms. Sanchez also told Ms. Card about Respondent's issues with depression. Ms. Card

informed Sanchez that if Respondent's condition was severe, he could look into long term disability. (Sanchez, Card testimony)

Respondent returned to work on November 17, 2014. By the end of the day Respondent was not doing well, and Ms. Sanchez convinced him to return to Indianola. On November 18, 2014, Respondent went to the emergency room at Iowa Lutheran Hospital and reported that he was having suicidal thoughts and was hearing voices. The decision was made to admit Respondent to the hospital, but the closest open bed was at Mercy Hospital in Iowa City. (Respondent Exhibit 3, pp. 12-24; Respondent Exhibit 5; Sanchez testimony)

Respondent was hospitalized at Mercy Hospital from November 18-22, 2014. During this hospitalization, Respondent reported nightmares and hearing voices (auditory hallucinations). Respondent was involved in individual, group, and milieu therapy and was also provided extensive psychoeducation. Respondent reported that the stressors in his life were his divorce, his new job, and his diabetes being out of control. Respondent's diabetes was brought under better control during this hospitalization, and he was encouraged to get a CPAP machine for his obstructive sleep apnea. Respondent was also encouraged to start exercising, to journal, and to ask others for help when he needed it. Respondent was discharged from the hospital on November 22, 2014 with plans to start the intensive outpatient program at Iowa Lutheran. Mercy Hospital gave Respondent a note that stated that he had been hospitalized from November 19-22 and that his outpatient providers would decide when he could return to work. (Respondent Exhibits 5, 6; Respondent, Sanchez testimony)

Respondent did not return to work at East Union High School following his discharge from Mercy Hospital. As of November 24, 2014, Respondent had used all of the leave that was available to him as a first year probationary teacher. Over the next seven weeks, Superintendent Pam Vogel made a number of calls to ask Respondent to submit his resignation. Dusti Sanchez estimated that Superintendent Vogel called Respondent 15-20 times. Sanchez took most of the calls because she did not feel that Respondent was in the proper mental state to take the calls. According to Ms. Sanchez, Superintendent Vogel told her that it didn't matter that Respondent had notes from his doctors, that she should not have to be paying for a substitute teacher, and that she would be filing a complaint with the Board of Educational Examiners for job abandonment if Respondent did not submit his resignation. (Respondent, Sanchez, Card testimony)

Ms. Sanchez asked Suzy Card for assistance in dealing with the East Union administration. Ms. Card contacted the school district's attorney and asked if he would intervene with the superintendent and ask her to stop calling Respondent. Ms. Card understood that Respondent had exhausted his available leave and that he was not eligible for FMLA due to the short time that he had worked for the school district. She told the school district's attorney that they were trying to pursue long term disability for Respondent. (Respondent, Sanchez, Card testimony)

Respondent participated in the intensive outpatient therapy program at Iowa Lutheran Hospital from November 24, 2014 through January 8, 2015. Respondent's medications were prescribed and monitored by Cindy Pontius, ARNP. The plan at discharge from outpatient therapy was for Respondent to continue with medication management by ARNP Pontius, to attend weekly therapy with Patti Campidilli in Indianola, and to attend Gary's transition group on Monday evenings. His diagnosis at discharge was major depression. At the time of discharge, Respondent was still working on the paperwork to apply for long term care disability. (Respondent Exhibit 3, pp. 60-84; Respondent, Sanchez testimony)

Respondent's Text Messages to Adam Triggs

On Sunday, January 11, 2015, Respondent sent a text message to his friend and co-worker Adam Triggs. This was apparently the first time that Respondent had ever texted Triggs. In this string of text messages, Respondent initially told Triggs:

- that he was on his way to church and that he needed all the help he could get;
- that he had given some evidence to the union rep and he was "not going to teach nonbullying and pride based off that boot camp of a place!"
- that the school attorney is tired of them. They have been calling a lot to try to get me fired; and
- they were "very rude to my fiancé when she stopped in to get my paychfcks. That will be dealt with!"

Adam Triggs' responses to these text messages were generally supportive, and he wished Respondent good luck. (State Exhibit 20, pp. 52-53; Triggs testimony)

On Tuesday morning, January 13, 2015, Respondent sent Adam Triggs another text message that stated: "Getting ugly now. Pam threatened to complain to the board of licensure now." Triggs responded that he "figured it would come to that." Respondent's next text messages to Triggs stated:

- I have doctor notes. Oh well nice knowing you."
- Not allowed in building. Could u get in my room and get some things hanging up?"

(State Exhibit 20, p. 53). Adam Triggs agreed to get some personal things off the wall in Respondent's classroom. At 5:04 p.m. on January 13, 2015, Respondent and Triggs exchanged the following text messages:

- "Someone must have thrown me under the bus. Definitely not wanting to come back." Triggs asked "how so?" and Respondent replied:
- "Blocking off access to the building." Triggs asked "what was their reasons? It seems odd to ban someone" and Respondent replied:
- "Pam told by fiance that becuz I abandoned my duties." Triggs responded "I didn't know that was grounds to ban someone. You're in all kinds of drama." Respondent replied:
- "Said she was going to get my license banned." Triggs asked "Who's more stressful, Pam or Mark?" Respondent replied:
- "Same neither one of them know what the hell they are doing or the laws."

(State Exhibit 20, pp. 54-56). Respondent then asked Triggs to get the following things from his classroom: ISU basketball above his desk, Husker sign above main board, Cardinals posters in the back. Triggs agreed to get those things and meet Respondent somewhere to give them to him. Respondent thanked Triggs and told him "Wish I could come back, But not looking good." (State Exhibit 20, pp. 53-57; Triggs testimony)

On Wednesday, January 14, 2015, Dusti Sanchez had plans to go out to dinner with her family. Respondent had been very depressed and had been sleeping most of the day. Ms. Sanchez did not want to leave him home alone, and she convinced him to join them for dinner. Respondent told Sanchez that he wanted to drive separately so he could go to his baseball team's batting practice after dinner. Ms. Sanchez estimated that they all left for the restaurant in West Des Moines between 4:30 and 5:00 p.m. and arrived at the restaurant between 5:00 and 5:30 p.m. Respondent was upset, and he did not talk or order any food at the restaurant. (Sanchez testimony)

Sanchez noticed that Respondent was sending text messages to someone during the dinner. When Sanchez asked Respondent who he was texting, he told her it was someone that he worked with at East Union. Respondent eventually became more upset and just left the table without saying anything. When Respondent did not return,

Sanchez went to look for him and found him in the parking lot, sitting in his vehicle and crying. Sanchez tried to talk to Respondent, but he told her that he was going to batting practice and drove away. Before she returned to the restaurant, Sanchez called Respondent's mother to see if she would call him and try to calm him down. Sanchez estimated that she arrived back home in Indianola by about 7:00 p.m. (Sanchez testimony)

Adam Triggs and Respondent exchanged a number of text messages on January 14, 2015 between 5:57 and 9:07 p.m. The first of these text messages were likely exchanged while Respondent was sitting in the restaurant with Dusti Sanchez and her family:

- Triggs at 5:57 p.m.: "I was in your room today but none of your stuff was there. Someone already cleared it out."
- Respondent at 6:02 p.m.: "Thanks. I will be down tom with a gun to make a scene. I Am not dealing with this anymore!"
- Triggs at 6:03 p.m.: "That's not a good idea."
- Respondent: "Gail said they are on the cabinet."
- Triggs at 6:08 p.m.: "Do you know that I am required to report that you said you would be down with a gun to cause a scene? You can't joke about those things."
- Respondent at 6:18 p.m.: "Jk."
- Respondent at 6:19 p.m.: "Am mae"
- Respondent at 6:21 p.m.: "Guess I am screwed Now."
- Respondent at 6:30 pm.: "Dont worry I am committing suicide."
- Triggs at 6:31 p.m.: "That's not a good solution."
- Triggs at 6:35 p.m.: "Take some time to cool off. Things will look better than they do now."
- Respondent at 7:02 p.m. "Bye man."
- Triggs 7:04 p.m. "Don't do it."
- Triggs at 7:05 p.m. "Where are you at?"
- Triggs at 7:10 p.m. "Will you answer please?"
- Respondent at 7:11 p.m. "I Am here and called 911."
- Triggs at 7:12 p.m. "Thank you. Are they on their way to help you?"
- Triggs at 7:14 p.m. "Are you safe?"
- Respondent at 7:53 p.m. "Transported to ER."
- Triggs at 7:54 p.m. "Wishing you the best!"
- Respondent at 7:54 p.m. "Sry I Am a mess. Ty."
- Respondent at 8:50 p.m. "My license got revoked. Pam had evidence that I hit mark and some kids."

- Triggs at 8:53 p.m. "Wow, you hit him? They sure moved quick. It usually takes months to revoke a license."
- Respondent at 8:54 p.m. "No I didnt"
- Triggs at 8:56 p.m. "Where did the evidence come from?"
- Respondent at 8:57 p.m. "Had video"
- Triggs at 8:57 p.m. "She has a video of you?"
- Respondent at 8:58 p.m. "Yeah."³
- Triggs at 9:07 p.m. "That's suspicious...Are they keeping you tonight or sending you home?"

(State Exhibit 20, pp. 58-62; Triggs testimony)

According to Dusti Sanchez, Respondent arrived at her home shortly after 7:00 p.m. Respondent was continuing to text and he did not speak to Sanchez. Respondent left the home suddenly without saying where he was going. Shortly afterward, Sanchez received text messages from one of Respondent's co-workers and from one of his brothers informing her that Respondent was talking about suicide again. Sanchez left in her vehicle to try to find Respondent. Respondent called Sanchez and told her that he was at Wal Mart, which was across the street from Sanchez's home. Sanchez drove around the Wal Mart and eventually found Respondent in the parking lot between two large overstock bins. Respondent was wearing shorts, sandals, and a sweatshirt even though there was snow on the ground.⁴ Respondent told Sanchez "I want to die, I want to die." Sanchez was unable to get Respondent into her vehicle to get warm so she called 911. When the ambulance arrived, the EMTs told Sanchez that Respondent's blood pressure was dangerously high. Respondent was taken to Iowa Lutheran by ambulance and admitted. (Sanchez testimony)

At 10:03 p.m., Dusti Sanchez texted Adam Triggs from Respondent's phone. After informing Triggs that Respondent had been admitted to the hospital, Sanchez asked him if he had received a text message from Respondent about what he was going to do. When Triggs acknowledged receiving the text message, Sanchez asked him to send the text message to her. Triggs told Sanchez that she could just go back to 6:02 p.m. on

³ No allegations were ever made that Respondent hit Principal Weis or any student or that there was any video evidence of Respondent hitting anyone. (Card testimony)

⁴ There are a number of references in Respondent's treatment records to the fact that Respondent attended appointments during winter months dressed in shorts and thong shoes. At hearing, Dusti Sanchez testified that it was common for Respondent to wear shorts and sandals, even in the winter, if he was going from one heated location to another. She testified that Respondent would put on pants if he was going outside for a walk. (Sanchez testimony; See, e.g., Respondent Exhibit 7, pp. 6, 8, 12, 14)

Respondent's phone to find the message. Sanchez told Triggs that Respondent had erased everything. She asked Triggs again to forward the text message to her, and Triggs told her that he would possibly send it tomorrow but that he was holding off on sharing anything until given permission by officers and administration. (State Exhibit 20, pp. 62-63; Triggs testimony)

When Sanchez learned that Respondent had threatened to take a gun to school she was "blown away." She felt that his comments were completely out of character for him. Sanchez testified that Respondent was always very laid back, avoided confrontation, and would not hurt anyone. When Respondent got upset he would shut down and sit quietly or take a nap. Respondent is not a registered gun owner, did not own a gun, and as far as Sanchez knew, had never owned a gun. Sanchez also does not own guns and would never allow guns in her home or around her children. (Sanchez testimony)

Adam Triggs reported Respondent's text messages to law enforcement in Indianola, and notification was sent to the school district and to local law enforcement in Afton. Adam Triggs had never observed Respondent to be confrontational, aggressive, or violent, and he did not really believe that Respondent would actually bring a gun to school. Nevertheless Mr. Triggs fully understood that he was obligated to promptly report Respondent's threat to bring a gun to school. The decision was made to post armed police officers at the school the following day and to essentially lock down the school. It was already 9:30 p.m. when this decision was made, so the administrators decided to use the school district's "Notify Me" text messaging program to ask the teachers to report to a mandatory staff meeting at 7:30 a.m. the following morning. Parents could also see this message to the teachers. At the staff meeting the next morning, teachers were told what had happened overnight and what they could expect at school that day. Some parents refused to leave their children at the school that day after seeing the armed police officers posted in the parking lot and at the entrances. Principal Weis estimated that approximately 20% of the students in the elementary building were absent that day. The lockdown ended at 10:00 a.m. when the school district received confirmation that Respondent was to remain under supervision at the hospital. (Triggs, Weis testimony)

East Union School District has a written policy prohibiting harassment of employees or students. It also has a written policy prohibiting weapons, firearms, dangerous objects, and look-a-likes from school premises. The school district has had to deal with prior threats, including an incident where a student purportedly brought a gun to school and a gun was later found in the student's lockers. The school district has also had two pipe bomb incidents. In one case, a pipe bomb was placed behind a ceiling tile in a restroom;

in another incident a pipe was placed in a principal's back yard. The school conducts lockdown drills to prepare for potential threats. (State Exhibit 21; Weis testimony).

At hearing, Respondent testified that January 14, 2015 had been a really bad day for him and that it got progressively worse as the day went on. Respondent reports that his anxiety level was high and his thinking was not very clear. Respondent further testified that he cannot recall sending the text message about the gun or exchanging texts with Adam Triggs and he does not remember his conversations that day with his fiancé. (Respondent testimony)

Respondent was hospitalized at Iowa Lutheran Hospital from January 14-22, 2015. At the hospital, Respondent denied that he had any intent to hurt or shoot anyone. He told hospital staff that he was very angry and that what he said was out of anger. (Sanchez testimony; Respondent Exhibit 3, pp. 25-55)

The police were notified when Respondent was discharged from the hospital, and he was immediately arrested for First Degree Harassment, an Aggravated Misdemeanor. On January 23, 2015, a No Contact Order was issued which listed East Union Schools as the protected party and Respondent as the defendant. Respondent posted bond and was released on January 24, 2015. (State Exhibits 15, 16; Sanchez testimony)

On January 27, 2015, Respondent submitted his resignation to the East Union Community Schools, and it was accepted on January 29, 2015. (State Exhibits 13, 14)

Respondent again participated in intensive outpatient treatment at Iowa Lutheran from January 26, 2015 through March 6, 2015. Respondent's treatment plan included ongoing medication management from ARNP Pontius and therapy with Patti Campidilli, ACSW, LISW. Respondent was provided information about two different anger management groups. During treatment, Respondent denied that he ever intended to hurt anyone but reported that he had issues regarding pent up anger. He stated that he was upset because the school district would not agree to a disability claim based on his depression. Respondent continued to report problems with irregular sleep and his providers continued to recommend a CPAP machine for him. Respondent's priority problems were identified as: 1) difficulty managing anxiety; 2) distorted thinking and mistaken beliefs that increase his anxiety and depression; 3) increased stress that he cannot manage; 4) self-esteem; and 5) anger management. (Respondent Exhibit 3, pp. 87-108)

Respondent eventually obtained and started using a CPAP machine in March 2015, which has improved his sleep issues. Plans were made for Respondent to start attending an anger management group that would start in March, but Respondent testified that he has not attended because he did not have the resources to do that. Respondent testified that he feels that he is in "good shape" now and stable. Respondent has been using tools that he was taught during counseling to manage anger. These tools include journaling, deep breathing, exercising more, and using stress balls. (Respondent Exhibit 3, p. 102; Respondent Exhibit 7 pp. 8-31; Respondent testimony)

On May 27, 2015, Respondent waived his rights and entered an *Alford*⁵ Plea of Guilty to First Degree Harassment, an Aggravated Misdemeanor, in violation of Iowa Code sections 708.7(1)(a)(1) and 708.7(2). Respondent was granted a deferred judgment and was placed on probation for a period of two (2) years, subject to terms and conditions. The Order Deferring Judgment prohibits Respondent from having any direct or indirect contact with the East Union Community Schools for a period of five (5) years and also prohibits him from possessing or exercising dominion or control over any firearms. The Court also entered a separate Sentencing No Contact Order, which includes these provisions and remains in effect until May 28, 2020. (State Exhibits 17, 18, 19) At the time of hearing, Respondent was unaware that the terms of his probation and the terms of the no contact order prohibited him from possessing firearms. (Respondent testimony)

Respondent started substitute teaching in Indianola in February 2015. Respondent later moved in with his parents near Neola, Iowa and has started working in his hometown as a baseball coach and a football coach. On January 4, 2016, Respondent started new employment as a special education associate, and he has plans to coach baseball again this year. Respondent testified that his new employer performed a background check, and he has spoken to them about his pending disciplinary case with the Board. (Respondent, Sanchez testimony; Respondent Exhibit 7, pp. 18, 23, 28)

Respondent's family physician, Robert Moran, D.O., has submitted a letter dated February 11, 2016, which stated that:

⁵ *Alford* refers to the United States Supreme Court case of *North Carolina v. Alford*, 400 U.S. 25, 37 (1970). With an *Alford* plea, the defendant acknowledges that the evidence strongly negates the defendant's claim of innocence and enters a guilty plea to avoid a harsher sentence. *Comm. On Prof'l Ethics & Conduct v. Sturgeon*, 487 N.W.2d 338, 340 (Iowa 1992).

- Beginning on or around January 14, 2015, Respondent underwent a few months when he was battling severe depression and irritability. Respondent admits to having suicidal thoughts during this time but never planned on committing suicide;
- Respondent's physical, mental, and/or emotional state at that time certainly negatively impacted his thinking process, which is typical in this type of condition;
- It is Dr. Moran's professional opinion that Respondent was in a physical and mental state that cause him to be unable to make rational decisions on or around January 14, 2015;
- Dr. Moran has definitely seen improvement in Respondent's well-being since January 2015. Respondent has had some counseling and his conditions are now well under control with medications;
- At this time, it is Dr. Moran's professional opinion that Respondent is of no danger to himself or others;
- Based on his evaluations and treatment notes, Dr. Moran believes that Respondent's medical and mental status is stable at this time, and he would release him to work as a teacher and coach. Dr. Moran sees no restrictions needed or concerns regarding his employment.

(Respondent Exhibit 8) According to the documentation in the hearing record, it appears that Dr. Moran last saw Respondent on November 20, 2015. (Respondent Exhibit 2, pp. 38-41)

Respondent's therapist, Patti Campidilli, ACSW, LISW submitted a letter dated February 12, 2016, which stated in part that:

- She initially met with Respondent on March 3, 2015 and has met with him for individual sessions on March 16, March 30, April 13, August 10, August 27, November 2, and November 19, 2015;
- In August 2015, Respondent was diagnosed with ADHD and was prescribed Stratera. Respondent reported that [after starting the medication] he felt so much better and he appeared calmer, his thoughts were more cohesive, and his affect was bright;
- In Ms. Campidilli's opinion, Respondent's elevated blood sugars, sleep apnea, his depression medications, and poor impulse control from his undiagnosed ADHD could have contributed to his "outburst" on January 14, 2015; and

- Ms. Campidilli did not see Respondent as a threat to anyone, especially children, and believes that he would have understanding and empathy for kids who have issues with self-esteem or who feel different from others.

(Respondent Exhibit 9) Respondent testified that he has not seen Ms. Campidilli since early December because he is now living and working more than two hours away from Indianola. Respondent testified that he was looking for a new therapist. (Respondent testimony)

CONCLUSIONS OF LAW

Relevant Provisions of the Iowa Code and Iowa Administrative Code. The legislature created the Iowa Board of Educational Examiners with the exclusive authority to develop a code of professional rights and responsibilities, practice, and ethics.⁶ The Board has promulgated its Code of Professional Conduct and Ethics at 282 IAC chapter 25. 282 IAC 25.3 provides in relevant part:

282-25.3(272) Standards of professional conduct and ethics. Licensees are required to abide by all federal, state, and local laws applicable to the fulfillment of professional obligations. Violation of federal, state, or local laws in the fulfillment of professional obligations constitutes unprofessional and unethical conduct which can result in disciplinary action by the board. In addition, it is hereby deemed unprofessional and unethical for any licensee to violate any of the following standards of professional conduct and ethics:

25.3(1) Standard I- conviction of crimes, sexual or other immoral conduct with or toward a student, and child and dependent adult abuse. Violation of this standard includes:

...

b. *Criminal convictions.* The commission of or conviction for a criminal offense as defined by Iowa law provided that the offense is relevant to or affects teaching or administrative performance.

...

25.3(6). Standard VI-unethical practice towards other members of the profession, parents, students, and the community. Violation of this standard includes:

...

⁶ Iowa Code section 272.2(1)(2015).

c. Failing to make reasonable effort to protect the health and safety of the student or creating conditions harmful to student learning.

...

m. Failing to comply with federal, state, and local laws applicable to the fulfillment of professional obligations.

Count I-Commission of or Conviction for a Criminal Offense Relating to or Affecting Teaching Performance

The undisputed evidence established that Respondent entered a guilty plea to First Degree Harassment, which is a criminal offense and an aggravated misdemeanor in the state of Iowa. On May 28, 2015, Respondent was granted a deferred judgment and was placed on supervised probation for a period of two years. As a result of this criminal offense, Respondent has been prohibited from possessing and/or exercising dominion or control over any firearms or from having any contact with the East Union Schools prior to May 28, 2020.

Significance of deferred judgment. A deferred judgment is a sentencing option allowing the sentencing court to defer both the adjudication of guilt and the imposition of a sentence while retaining the power to pronounce judgment and impose sentence subject to the defendant's compliance with conditions set by the court as a requirement of the deferred judgement.⁷ Upon the satisfactory completion of the conditions established by the court and fulfillment of the terms of probation, the court's criminal record with reference to the deferred judgment is expunged.⁸

The fact that Respondent was granted a deferred judgment does not limit the Board's authority to impose discipline. 282 IAC 25.3(1)"b" authorizes the Board to discipline licensees for the "commission of or conviction for" a criminal offense as defined by Iowa law provided that the offense is relevant to or affects teaching or administrative performance. (emphasis supplied) Respondent's entry of a guilty plea to the First Degree Harassment charge and the preponderance of the evidence in this record is more than sufficient to support the conclusion that he has committed that offense.

In addition, the Iowa Supreme Court has held that when a statute is aimed at protecting the public, use of the term "conviction" should be interpreted broadly to include a deferred judgment and that when a statute is aimed at punishing a person, the term

⁷ Iowa Code section 907.1(2015).

⁸ Iowa Code section 907.9(4)(b)(2015).

"conviction" should be interpreted narrowly.⁹ Iowa Code chapter 272.2(14)(a) and 282 IAC 25.3(1)"b" requires the Board to deny or revoke a license for certain "disqualifying convictions" and further authorizes the Board to deny licenses or to discipline licensees for other criminal convictions that are not disqualifying but are relevant to or affect teaching or administrative performance. The primary purpose of these provisions is to protect students, not to punish the applicant or licensee. For this reason, the word "conviction," as it appears in Iowa Code section 272.2(14)(a) and 282 IAC 25.3(1)"b," must be broadly interpreted to include those cases where the sentencing court granted a deferred judgment following the entry of a guilty plea or guilty verdict.

The Board may deny a license or discipline a licensee for the commission of or conviction for a criminal offense that is not considered "disqualifying" under Iowa Code section 272.14(a) as long as the conviction is relevant to or affects teaching or administrative performance.¹⁰ In that case, the Board is required to consider the following factors:

1. The nature and seriousness of the crime in relation to the position sought;
2. The time elapsed since the crime was committed;
3. The degree of rehabilitation which has taken place since the crime was committed;
4. The likelihood that the person will commit the same crime again;
5. The number of criminal convictions committed; and
6. Such additional factors as may in a particular case demonstrate mitigating circumstances or heightened risk to public safety.¹¹

1. Nature and seriousness of the crime in relation to the position sought. There is no doubt that Respondent's conviction for First Degree Harassment is relevant to his licensure and employment as a teacher and coach. This criminal conviction arose out of a threatening text message that Respondent sent to a co-worker, Adam Triggs, in which he stated that he would "be down tom with a gun to make a scene. I Am not dealing with this anymore!" (Department Exhibit 20, p. 58). From the context of the text message, it is clear that Respondent was threatening to show up at the school the next day with a gun. Regardless of whether Respondent intended to carry out his threat, making this type of threat was an egregious breach of his professional responsibility as an educator and reflects extremely poorly on his professional judgment.

⁹ *Schilling v. Iowa Department of Transportation*, 646 N.W.2d 69, 71-73 (Iowa 2002).

¹⁰ See 282 Iowa Administrative Code (IAC) 25.3(1)(b).

¹¹ 282 IAC 25.3(1)(b)(2).

Adam Triggs (and others at the school) understood that Respondent had become increasingly angry and frustrated with the school's administrators by what he perceived to be unfair treatment. Respondent had expressed suicidal thoughts to co-workers and to others, both before this text message and immediately following it. As a licensed teacher, Adam Triggs knew that he had to report Respondent's text message, even though he was generally sympathetic to Respondent and did not believe that Respondent was an aggressive or violent person. Indeed, in light of recent school shootings, law enforcement and school employees would have been negligent if they had failed to take such a threat seriously or if they had failed to take appropriate action to ensure the safety and protection of students and school personnel.

The school was essentially locked down on January 15, 2015 as a direct result of Respondent's threat. Respondent's threat no doubt caused fear and alarm in the school community. Some parents elected to keep their children out of school when they saw the armed police officers at the school. Respondent's threat to show up at school with a gun undoubtedly disrupted teaching and learning that day and likely continued to have an adverse effect on teaching and learning for some time afterward. Moreover, this type of threat clearly diminishes the public's trust and confidence that properly licensed teachers and coaches are individuals who can be relied on to protect students and to act in students' best interests. Respondent's conviction for First Degree Harassment was directly related and relevant to his employment as a teacher and a coach.

2. *The time elapsed since the crime was committed.* The crime is recent and occurred approximately one year ago on January 14, 2015. Respondent will be on supervised probation for this offense until May 28, 2017. In addition, the sentencing court has determined that Respondent must be subject to ongoing restrictions on his personal liberty in order to protect the public. Absent future modifications to the No Contact Order, Respondent will be prohibited from possessing firearms and from having any contact with East Union Schools until May 28, 2020.

3. *The degree of rehabilitation which has taken place since the crime was committed.* Undoubtedly, Respondent's severe depression and increasing anxiety were significant and key factors that led up to his threatening text message. It is likely that Respondent's mental health issues, coupled with his medical issues, made it very difficult for him to manage and cope with the ordinary and day to day stress of being a new teacher in a new school district with new expectations. It is unclear to what extent he was able to control his actions on January 14, 2015. Given these circumstances, any evaluation of Respondent's degree of rehabilitation and his fitness to continue as a

licensed teacher and coach necessarily requires an assessment of his current mental health condition and whether he could suffer a similar mental health decline and loss of control in the future.

Respondent has submitted two letters, one from his primary care provider and one from his former therapist, both of whom indicate that Respondent's mental and physical health has improved considerably since January 2015. Given the very significant mental health issues that he has experienced over an extended period of time, however, it is troubling that Respondent is not currently seeing a therapist and had not seen a therapist since November 19, 2015. It was also troubling that Respondent has not completed the anger management program that was recommended for him and that he was unaware that the terms of his probation and no contact order prohibits him from possessing guns.

Respondent was somewhat withdrawn and unfocused during the hearing. At times his testimony was inconsistent. Either Respondent was not forthcoming in his testimony or else he appears to have gained little personal insight into the causes of his recurrent depression and anxiety and his significant mental decline. Respondent testified that the major source of his stress at work was adjusting to East Union's grading system, and he denied other sources of stress on the job although both his fiancé and Adam Triggs testified about incidents that they felt had been especially stressful for Respondent. Respondent's own explanations for his mental health decline focused primarily on medical issues: diabetes, hypertension, sleep apnea, and undiagnosed ADHD. Respondent contends that he is much better now because these medical issues have been addressed through obtaining a CPAP machine for his sleep apnea, taking medication for ADHD, journaling, deep breathing, and exercising.

During his testimony, Respondent frequently minimized his mental health issues. When he was questioned by his attorney, Respondent initially denied having a history of mental health issues. When prompted, Respondent did acknowledge that he had been through a "tough situation" for a couple of years when he was battling anxiety and depression. When asked when he first noticed his depression and anxiety, Respondent initially responded "at the end of October, beginning of November." His attorney then reminded Respondent that he had brought up depression during his work physical with Dr. Moran in July 2014. At that point, Respondent acknowledged that Dr. Moran had adjusted the depression medication that had previously been prescribed for him by a physician in Council Bluffs while he was teaching in Glidden. Respondent also acknowledged that he had previously experienced hallucinations in Glidden. This would have been before Respondent started working at East Union.

During his testimony, Respondent stated that he was having a "really bad day" on January 14, 2015 and that it got progressively worse. Respondent further stated that he does not remember much of what happened that evening, including the text messages that he exchanged with Adam Triggs. It was unclear if Respondent truly does not recall sending the text messages, but he was sufficiently cognizant at the time to erase the text messages from his phone after he was told that Triggs would be reporting them.

In addition, although Respondent is currently employed as a special education classroom associate and as a coach, he has provided no information from his current employer(s) concerning his current work performance. There is no evidence in the record to verify Respondent's testimony that his current employer is aware of the Board's pending charges against Respondent. Indeed the only witnesses who testified on Respondent's behalf at hearing were his fiancé and his union representative. Respondent's union representative has only communicated with Respondent and his fiancé by email. Although Respondent's fiancé was a credible witness, she is not a neutral observer or reporter of his progress, and she does not see Respondent on a daily basis.

Based on this record, it is unclear whether Respondent's mental health is currently sufficiently healthy and stable to allow him to adequately manage stress and to exercise professional skill and judgment in a manner that is consistent with the health, welfare, and safety of students and the school community.

4. *The likelihood that the person will commit the same crime again.* Respondent has suffered significant consequences for this offense, and it is unlikely that he would commit a similar offense in the future if he is able to continue to improve and maintain his mental health and to maintain control over his actions. It is difficult to predict Respondent's future behavior, however, if he should experience high levels of stress and/or another episode of severe depression and anxiety.

5. *The number of criminal convictions committed.* Respondent has only had one criminal conviction for First Degree Harassment. He has no prior criminal record.

6. *Such additional factors as may in a particular case demonstrate mitigating circumstances or heightened risk to public safety.*

All of the relevant factors have been discussed in the context of the other factors. The

preponderance of the evidence in this record establishes a violation of 282 IAC 25.3(1)(b)(2) (conviction of a criminal offense which relates to or affects teaching performance.)

Count II- Failing to Make Reasonable Effort to Protect the Health and Safety of Students or Creating Conditions Harmful to Student Learning

Respondent's threat to bring a gun to school constituted unethical conduct, in violation of 282 IAC 25.3(6)"c," by failing to make reasonable efforts to protect the health and safety of students and by creating conditions harmful to student learning. Even assuming that Respondent never intended to follow through on this threat, the recipients of his threat had no way of knowing that and making the threat clearly frightened school administration, teachers, parents and students. Some parents decided not to let their children attend school that day after observing the armed police officers at the school. There is no question that the lockdown had an adverse impact on student learning that day, and it is very likely that Respondent's threat had a longer lasting impact on teaching and learning due to the disruption and distraction that it caused and the potential for adverse effects on students' and teachers' sense of security in their school building.

Count III- Failing to Comply with Federal, State and Local Laws Applicable to the Fulfillment of Professional Obligations

This count appears to be duplicative of Counts I and II. To the extent that this count is based on Respondent's text message threat and his conviction for First Degree Harassment, those violations have been fully addressed in the first two counts.

Sanction

Where a violation is found, the Board has the authority to impose the following disciplinary sanctions:

1. Revoke a practitioner's license, certificate or authorization.
2. Suspend a practitioner's license, certificate or authorization until further order of the board or for a specific period.
3. Prohibit permanently, until further order of the board, or for a specific period, a practitioner from engaging in specified practices, methods, or acts.
4. Require additional education or training.

5. Order a physical or mental evaluation, or order alcohol and drug screening within a time specified by the board.
6. Issue a public letter of reprimand.
7. Order any other resolution appropriate to the circumstances of the case.¹²

The state recommended license revocation as the appropriate sanction in this case, and Respondent has asked for the Board's charges to be dismissed. Under the Board's rules, revocation is a permanent loss of license, with no future opportunity for reinstatement.¹³ An appropriate sanction should provide a consequence that is proportionate to the violation, should provide deterrence for other licensees from committing similar violations, and should be sufficient to protect the health, safety, and welfare of students and the school community.

Based on this evidentiary record, it cannot be concluded that health, safety, and welfare of students and the school community would be adequately protected if Respondent is allowed to continue as a licensed teacher and coach at this time or while he is still subject to criminal probation and the no contact order. At a minimum, the record supports a suspension of Respondent's license pending further order of the Board. In light of the mental health issues involved, a permanent revocation of Respondent's license without affording him further opportunity for further rehabilitation seems premature.

DECISION AND ORDER

IT IS THEREFORE ORDERED that if this proposed decision becomes a final decision, the practitioner license (Folder No. 812482) and the coaching authorization issued to Respondent Chris J. Eckrich shall be INDEFINITELY SUSPENDED, pending further Board Order. At a minimum, Respondent shall not be allowed to apply for reinstatement of his license and/or coaching authorization until he has been discharged from his criminal probation **and** until the sentencing court has determined that the No Contact Order with the East Union Schools is no longer necessary and should be vacated.

IT IS FURTHER ORDERED that upon filing an application for reinstatement, the burden will be placed on Respondent to establish that the basis for the suspension of his license no longer exists and that it is in the public interest for his license to be reinstated.

¹² 282 IAC 11.33.

¹³ 282 IAC 11.34.

Prior to filing an application for reinstatement, Respondent shall be required to provide a current comprehensive mental health evaluation report prepared by a licensed mental health professional, who has been pre-approved by the Board's Executive Director. The approved mental health professional shall be provided with a copy of the Board's final Decision and Order. In addition, Respondent must sign all necessary releases to allow the evaluating mental health professional to review his mental health treatment records. Respondent shall be required to provide the Board with verification that he has fully completed any treatment and/or training recommended as a result of this evaluation. All costs of complying with the requirements of this Decision and Order shall be paid by Respondent.

Dated this 11th day of March, 2016.

Margaret LaMarche

Margaret LaMarche
Administrative Law Judge
Iowa Department of Inspections and Appeals
Administrative Hearings Division
Wallace State Office Building-Third Floor
Des Moines, Iowa 50319

cc: Christy A.A. Hickman, Iowa State Education Association, 777 Third Street, Des Moines, Iowa 50309 [RESTRICTED CERTIFIED MAIL]

Renner Walker, Assistant Attorney General, Hoover Building, 2nd Floor [LOCAL]

Duane T. Magee, Executive Director, Iowa Board of Educational Examiners, Grimes State Office Building [LOCAL]

A proposed decision may be appealed to the Iowa Board of Educational Examiners (Board) by a party to the decision who is adversely affected by serving a notice of appeal with the board within 30 days after issuance of the proposed decision. The notice of appeal must be signed by the appealing party or a representative of that party and contain a certificate of service. The notice shall specify the parties initiating the appeal, the proposed decision or order appealed from, the specific findings or conclusions to which exception is taken and any other exceptions to the decision or order, the relief sought, and the grounds for relief. 282 IAC 11.28.

**BEFORE THE BOARD OF EDUCATIONAL EXAMINERS
OF THE STATE OF IOWA**

In the matter of)	Case No. 15-23
)	License No. 812482
CHRIS J. ECKRICH,)	
)	NOTICE OF HEARING
Respondent.)	AND STATEMENT OF CHARGES

YOU ARE HEREBY NOTIFIED that the Iowa Board of Educational Examiners, exercising the jurisdiction conferred by Iowa Code chapters 17A and 272, has found probable cause of a violation of Board rules and ordered this matter scheduled for hearing.

A. TIME, PLACE AND NATURE OF HEARING

1. Hearing will be held on Monday, November 30, 2015, before Administrative Law Judge LaMarche, acting on behalf of the Iowa Board of Educational Examiners. The hearing shall begin at 9:00 a.m. in Department of Inspections and Appeals, Wallace State Office Bldg, Third Floor, 502 E. 9th Street (East 9th and Grand Avenue), Des Moines, Iowa. You should report to the third floor Iowa Department of Inspections and Appeals' (DIA) receptionist prior to 9:00 a.m. to obtain the room assignment.

2. Answer. Within twenty (20) days of the date of service of this Notice of Hearing, you are required to file an Answer specifically admitting, denying, or otherwise responding to the allegations included within the Factual Allegations. In that Answer, you should also state whether you will require an adjustment of the date and time of the hearing. A copy of the Answer shall be provided by the Respondent to the Assistant Attorney General identified below.

3. Hearing Procedures. The procedural rules governing the conduct of the hearing are found at 282 Iowa Administrative Code (IAC) chapter 11. At hearing, you may appear personally or be represented by an attorney, at your own expense. You will be allowed the opportunity to respond to the charges against you. Each party will be allowed to testify, examine and cross-examine witnesses, and present documentary evidence. If you fail to appear at the hearing, the Board may enter a default decision or proceed with the hearing and render a decision in your absence. If you need to request an alternative time or date for hearing, you must comply with the requirements of 282 IAC rule 11.19.

If either party wishes to present telephonic testimony or to participate in the hearing by telephone, arrangements must be made at least ten (10) days in advance of the hearing date by filing a written request with the presiding Administrative Law Judge, Department of Inspections and Appeals, Wallace State Office Building, Des Moines, Iowa 50319, or by faxing a written request to (515) 281-4477. A copy of the request for telephonic testimony must be served on the Board and all parties. Any resistance to the request for telephone testimony must be filed within five (5) days of service of the notice.

4. Pre-hearing conference. Either party may request a pre-hearing conference to discuss evidentiary issues related to the hearing. The Board rules regarding pre-hearing conferences are found in 282 IAC rule 11.18.

5. Prosecution. The office of the Attorney General is responsible for prosecuting and representing the public interest (the State) in this proceeding. Pleadings shall be filed with the Board and copies should be provided to counsel for the State at the following address:

Renner K. Walker
Assistant Attorney General
Iowa Department of Justice
2nd Floor, Hoover State Office Building
Des Moines, Iowa 50319
Telephone (515) 281-7175

6. Communications. You may not contact Board members by phone, letter, facsimile, e-mail, or in person about this Notice of Hearing or the pending charges. Board members may only receive information about the case when all parties have notice and an opportunity to participate, such as at the hearing or in pleadings you file with the Board office and serve on all parties in the case. You should direct any questions about this proceeding to Duane T. Magee, the Board's Executive Director, at (515) 281-5849 or to Assistant Attorney General Walker at (515) 281-7175.

B. SECTIONS OF STATUTES AND RULES INVOLVED

Count I

7. Respondent is charged with conviction of a criminal offense related to or which affects teaching performance, in violation of 282 Iowa Administrative Code rule 25.3(1)(b)(2).

Count II

8. Respondent is charged with unethical practice by failing to make reasonable effort to protect the health and safety of the student or creating conditions harmful to student learning, in violation of Board rule 282 Iowa Administrative Code rule 25.3(6)(c).

Count III

9. Respondent is charged with failing to comply with federal, state, and local laws applicable to the fulfillment of professional obligations, in violation of 282 Iowa Administrative Code rule 25.3(6)(m).

C. JURISDICTION AND LEGAL AUTHORITY

10. The Board has jurisdiction in this matter pursuant to Iowa Code chapters 17A and 272. If any of the allegations against you are proven at hearing, the Board has authority to take disciplinary action against you under Iowa Code chapters 17A and 272, and 282 IAC chapter 11.

D. FACTUAL CIRCUMSTANCES

11. Respondent holds a STANDARD LICENSE (FOLDER # 812482) with the following endorsements: 5-12 Business-General; and 5-12 Business-All. Respondent's

license is current and will next expire on December 31, 2017. Respondent also holds a COACHING AUTHORIZATION, which is current and will next expire on July 7, 2017.

12. Respondent was initially employed as a business education teacher by the East Union Community School District on July 1, 2014.

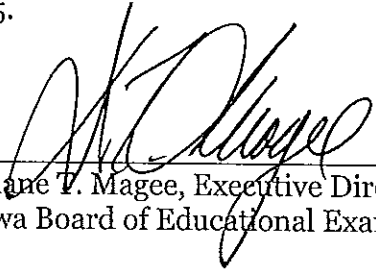
13. On February 11, 2015, the Board of Educational Examiners received a complaint against Respondent alleging various violations. On August 7, 2015, the Board found probable cause to proceed to hearing based upon the facts set forth herein and delineated in further detail within the complaint and investigation file compiled by the Board.

14. Investigation revealed Respondent sent a text message to a fellow teacher stating he would bring a gun to the school the next day. In response, the school initiated its lockdown plan for the remainder of the evening and the next school day. Respondent ultimately pled guilty to First Degree Harassment.

E. SETTLEMENT

15. This matter may be resolved by surrender of your license or an agreement to accept a lesser sanction. The procedural rules governing the Board's settlement process are found at 282 IAC rule 11.4(6). If you are interested in pursuing settlement of this matter, please contact the Assistant Attorney General identified in Section A, above.

Dated this 29th day of September, 2015.



Duane T. Magee, Executive Director
Iowa Board of Educational Examiners

Copies to:

Chris J. Eckrich (first-class mail and restricted certified mail)
RESPONDENT

Christy A. A. Hickman (electronic)
ATTORNEY FOR RESPONDENT

Renner K. Walker (electronic)
ATTORNEY FOR STATE